THE POLICY AND PRACTICE OF RELIGIOUS EDUCATION IN PUBLICLY-FUNDED ELEMENTARY AND SECONDARY SCHOOLS IN CANADA AND ELSEWHERE

A Search of the Literature

ANDREW G. BLAIR, Principal Investigator

This research project was funded under the Ministry of Education, Ontario.
It reflects the views of the authors and not necessarily those of the Ministry.

The Honourable Sean Conway, Minister

86-04670/

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ONO 3693

Canadian Cataloguing in Publication Data

Blair, Andrew G. (Andrew Gordon), 1947-
The policy and practice of religious education in
publicly-funded elementary and secondary schools in
Canada and elsewhere

Bibliography: p.
ISBN 0-7729-1224-6

1. Religious education. 2. Religious education--
Government policy. 3. Religious education--
Bibliography. I. Ontario. Ministry of Education.
II. Title.

LC331.B52 1986 377 CB6-099638-7

Abstract

This study is a compendium of information regarding the policy and practice of religious education in publicly-funded schools in each of the provinces and territories of Canada, in England, the United States, Australia, and, with less detail, in several countries of Western Europe. Most information was acquired from published sources, but letters and telephone calls provided supplemental material. An account of the laws, policies, and regulations dealing with the prohibition of, permission for, or requirement of religious education is set within a brief description of the types of publicly-funded school systems in each jurisdiction. Included is information with regard to who may teach religious education, how it is timetabled, and what provisions are made for those who dissent. Also included is information on interpretations of "religious education" and the role of the school in the religious education of students, and some mention of the controversies surrounding that role. References to curriculum materials are provided. An overview summarizes the information, compares jurisdictions, makes some pertinent classifications, draws attention to some important patterns in policy and provides the reader with an introductory guide for further reading in the study.

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PREFACE

As far as I am aware, this is the only study of its kind with special focus on Canada. Being a review of the literature, almost all of the information it contains is available in print, but has not been assembled into one document.

The request of the Ontario Ministry of Education was:

> To conduct a search of relevant data bases and libraries and to select and review literature relevant to the policy and practice of religious education in publicly-funded elementary and secondary schools in Canada and elsewhere;
>
> To locate, for each jurisdiction investigated, the following information:

1. What laws, policies and regulations are in place?
2. How is religious education defined?
3. What is the role of the school in the religious education of students?
4. Who may teach religious education in the school?
5. How is it timetabled within the school program?
6. What provisions are made for dissenting groups and individuals?
7. What curricular materials, in the form of courses, units of study, and support documents, are approved for use, recommended, or widely used by teachers?
8. What has been the public reaction to religious education policy/practice?

These questions have guided the search.

Most of the information was located in the libraries of the University of Toronto. Among those used were the John P. Robarts library, and the libraries of the Ontario Institute for Studies in Education, St. Michael's College (John M. Kelly Library), Victoria college (E. J. Pratt Library), Emmanuel College, Trinity College, and the Faculty of Law. Some phone calls were made, and letters requesting information sent, in an effort to supplement the information obtained in the libraries. All information has been footnoted, indicating at least one source.

With varying degrees of ease, it is possible to acquire information on policy through a literature search. Practice is another matter. For a complete and accurate picture of practice there is no alternative to conducting a survey of the practitioners. This study cannot claim to be anything like a definitive account of practice. With regard to policy in Canada, I doubt that other methods of research, such as a questionnaire sent to various departments of education or a fact-finding tour would reveal much more general information, though there is no limit to the finer details that might be discovered with enough effort. With regard to policy elsewhere, some of the information given here is out of date. Footnotes indicate whether the information for each jurisdiction is up to date.

The names of jurisdictions are placed in this study in alphabetical order, except for "CANADA", which comes first. Each country has a section of its own, as does each province and territory in Canada, which are listed under "CANADA". Section headings in which all letters are capitalized, such as "ENGLAND", designate countries which receive fuller treatment than do countries designated by small-letter headings, such as "Belgium".

There is a section at the beginning entitled "OVERVIEW". This is a brief summary which reorganizes the information so that it falls under the questions submitted by the Ministry, compares and classifies jurisdictions, and points out some of the patterns in policy. It also provides a guide for those who do not want to read through all the information in this study, but want to know where to look for some of the details of jurisdictions with certain kinds of policy.

OVERVIEW

Scope

Broadly speaking, "religious education" within schools could be interpreted as falling into one of two categories: informal education, and formal education. The former would consist of learning which goes on in the everyday life of the school: in the encounters of students with each other, with the teachers and other staff; in the way that rules and practices are observed and enforced; in the general atmosphere of the school; and so on. The latter may be divided into two categories: education outside of courses of instruction, and education within courses of instruction. The former would consist of assemblies, religious exercises, and the like, in which Scriptures are read, prayers recited, hymns sung, and so on. Of the latter, there are two sub-categories: religious education as part of another subject area, and religious education as a subject area of its own. The former would consist of reference to religious topics in History classes, English classes, Science classes, and so on. Of the latter, there are still two more sub-categories: non-confessional religious studies, and courses with a confessional stance. The former would consist of studies about religion without any encouragement of the student to become committed to a particular religious outlook. The latter would consist of courses in which students are encouraged to adopt a religious commitment.

This study is restricted to the last two categories just mentioned, that is, to formal courses devoted to religious education as a subject of its own, whether confessional or not.

Definitions

There is no standard terminology for dividing up the field of religious education. The terminology used here is to be interpreted in the following way. As just mentioned, "confessional" religious education refers to education designed to foster commitment to some faith. This commitment could be either to a particular denominational faith, or to some general category of religion such as Christianity or Judaism. "Non-confessional" education refers to education which is not designed to lead to commitment. It may focus on one religion, such as Christianity, or a number of religions, such as Christianity, Judaism, Islam, Buddhism, and Hinduism. "Denominational" education refers to a particular type of confessional education, namely that which attempts to foster commitment to some particular variety of Christianity, such as one of the Protestant denominations or Catholicism. "Non-denominational" education refers to the study of Christianity in either a confessional or non-confessional way.

The term "religious instruction" is sometimes used in this study as an alternative phrase to "religious education". The term "instruction" ordinarily has a more narrow sense than "education", referring to education of a didactic kind. Legislation concerning religious education, however, often refers to "religious instruction", and we should not assume that the legislators intended the term to be interpreted narrowly, with its nuance of didacticism.

This study often quotes the legislation, and in order to keep usage of the terms constant, freely interchanges "instruction" and "education".

Introduction

This overview is designed to give the reader an idea of the variety of policies and practices which exist with regard to religious education, to point out some of the ways in which they may be classified, and to draw attention to some of the patterns which they exhibit. Each of the questions guiding the research will be considered. No attempt will be made, however, to offer all the details which may be found under the names of each jurisdiction.

In this overview, the names of some jurisdictions, such as "Sweden*", have superscripted stars placed beside them to indicate that the information about them offered in this study is out of date. All such information was true circa 1970, and is useful for considering alternative policies, even if it might not be true now. The absence of a star indicates that information is up to date.

Questions 1, 4, 5 and 6

Question 1 includes questions 4, 5 and 6, so these will be considered together:

1. What laws, policies, and regulations are in place?
2. Who may teach religious education in the school?
3. How is it timetabled within the school program?
4. What provisions are made for dissenting groups and individuals?

Laws, regulations and policies may be divided into three categories: (1) those which forbid religious education, (2) those which permit it, and (3) those which make it obligatory. These categories will be considered in turn.

Religious education may be of 3 kinds: (1) denominational, (2) confessional, but non-denominational, and (3) non-confessional. This classification will presently prove useful.

Laws, regulations, and policies forbidding religious education

No jurisdiction forbids religious education of a non-confessional kind, that is, of kind (3). The United States Supreme Court, which has declared confessional religious education in publicly-funded schools to be unconstitutional, recommends that non-confessional religious education be given. No provisions are made for confessional religious education in any publicly-funded schools of New Brunswick, Nova Scotia and Prince Edward Island. In practice, however, a few of these schools have been Catholic, with religious instruction given after school hours. Much of France,* and some cantons of Switzerland* are similar in this regard. As in the U.S., confessional religious education is not permitted in the public schools of

British Columbia, which, until 1977, included all publicly-funded schools. Thus, in all of these jurisdictions, religious education of kind (2) is pretty well prohibited. This includes, of course, a prohibition of kind (1).

Some jurisdictions forbid denominational instruction. In all states of Australia, except Queensland and South Australia, the law requires that only non-denominational instruction be allowed in government (public) schools. In England, denominational instruction is forbidden in all county and voluntary controlled schools. In these jurisdictions, then, religious education of kind (1) is prohibited.

Many jurisdictions in Canada declare their schools to be non-sectarian, but this does not necessarily mean that denominational instruction is forbidden. It does mean that there must be no discrimination along denominational lines.

Laws, regulations, and policies permitting religious education

Jurisdictions which give express permission for religious education, but do not make it compulsory, usually also permit it to be of a denominational kind. Jurisdictions following this pattern are Alberta, Manitoba, the Northwest Territories, Saskatchewan, the Yukon, Belgium,* and Holland*. Officially, Ontario does not belong in this group, for it makes religious education compulsory. In practice, however, religious education is not compulsory in Ontario, and it fits the pattern.

The exceptions to this pattern are several of the states of Australia, which permit religious education, but do not allow it to be denominational. However, as there are no agreed syllabi, except in Victoria, it is doubtful that there is much difference in practice in Australia from the other jurisdictions mentioned.

It is for these jurisdictions that questions 4 and 5 are most relevant. As religious education is not required, teachers often have neither the background, nor the willingness to take on religious education classes. Thus the clergy are called upon. The laws, or regulations, of Manitoba, Ontario, Australia, and Holland* make explicit provision for this. Furthermore, because religious education is not compulsory, timetabling is not straightforward. Information on timetabling can be found for Manitoba, the Northwest Territories, Ontario, Saskatchewan, the Yukon, Australia, and Holland.

Laws, regulations and policies making religious education compulsory

All jurisdictions which make religious education compulsory also have exemption clauses. As this is also true for all jurisdictions which permit religious education, it is true for all jurisdictions in this study which make any provision at all for religious education. Some of these exemption clauses are limited, however, and not all of them permit exemption from all religious or moral education, as will be seen shortly.

For the most part, compulsory religious education is taught by teachers, who are sometimes specialists. Norway* is the exception: compulsory religious education is given by the clergy. The clergy are often permitted in the schools as added personnel. Where religious education is denominational, the teachers usually must belong to the denomination for which they are giving instruction. One point of note is that Newfoundland seems to be the only place which requires its teachers, by law, to give religious education. Most other jurisdictions make explicit provision for conscientious exemption on the part of teachers.

Of the jurisdictions which make religious education compulsory, the following at least permit it to be denominational: Newfoundland, Quebec, Denmark,* Germany, Norway,* Scotland, Spain,* and some cantons of Switzerland.* Also, the official policy of Ontario is that religious education is compulsory, and the regulations make instruction of a denominational kind possible. In Denmark* and Norway,* there is only one state church, which also has power over religious education, and religious education is officially denominational. Whether this is so in practice I do not know. Religious education in Spain,* which has undergone vast changes since the date of my information, was entirely controlled by the Catholic Church. There is more than one state church in Germany, and there the situation is more complicated. There is a state church in Scotland too, but it does not have the power in education that the other state churches do. Newfoundland and Quebec do not have state churches, but the churches do have a great deal of power with regard to religious education, and in some sectors of these jurisdictions compulsory religious education is denominational. Further details, however, need to be understood within the context of particular education systems. As these systems are very different, and some are quite complex, the reader must turn to each entry for more information. In any case, these jurisdictions require religious education, which may be of kind (1).

Of the jurisdictions which make religious education compulsory, only England requires that it be taught according to a syllabus agreed to by several denominations, which effectively forbids religious education to be denominational (though this is a matter of degree). According to my information, some cantons of Switzerland* also require non-denominational religious education to be given, but how this is achieved I do not know. I am sure that some sectors of other jurisdictions also belong here, but it is difficult to be sure which ones. These jurisdictions, then, make religious education compulsory, but forbid it to be of kind (1).

There are no jurisdictions which make religious education compulsory, but forbid it to be of kind (2), that is, confessional. The main course in Sweden,* however, is distinctly of kind (3). Exemptions are allowed for students whose parents want them to receive an education of kinds (1) or (2) instead.

It is noteworthy that in Sweden* exemptions are not allowed for those who do not have an alternative program of religious education. Because the compulsory course is non-confessional, it is not thought to be a violation of freedom of thought to make it a required subject. Similarly, Denmark* permits exemption from its compulsory course only if parents can show that their children receive some alternative form of religious or moral

instruction. Furthermore, Quebec and some provinces in Germany make a system of electives compulsory: some form of religious or moral education must be taken.

Question 2: How is Religious Education Defined?

Legislators - not surprisingly, given the difficulty of the task - make no attempt to define "religion." The courts, however, do attempt to interpret what the legislators mean, and there is some information on that under "Australia" and the "United States."

Whether "religious education" was originally intended to be one of the three kinds I have discussed here is usually clear enough from the historical and legal context. But what it is taken to mean in practice is by no means static. England provides a good example of change. Subsequent to the Education Act of 1944, it was taken to be confessional and Christian, though non-denominational. Since then there has been a clear tendency toward non-confessional religious education, including the study of non-Christian religions, and even of life-stances not traditionally considered religious.

It is interesting to note that as the definition of "religious education" shifts from denominational to non-denominational to non-confessional, those who make laws and regulations increasingly consider it to be legitimate to make it compulsory. Thus most of those jurisdictions in which it is given a denominational interpretation do not make it compulsory. Among those which do make religious education compulsory, and permit it to be denominational, there is a trend in practice toward non-denominational or non-confessional religious education. Of those which make religious education compulsory, but do not permit it to be denominational, there is a trend in practice toward making it non-confessional as well. The country which places greatest emphasis on non-confessional religious education, namely Sweden,* not only makes it compulsory, but does not permit exemption, except for those who desire confessional religious education instead. Much the same sort of thing is going on in Quebec, some provinces of Germany,* and Denmark,* where a substitution of one sort of religious or moral education for another is required, either through a system of electives, one of which is compulsory, or through some other means.

Question 3: What is the role of the school in the religious education of students?

Where religious education is denominational, the role of the school is to aid the home and church in inducting students into a particular set of religious beliefs and its concomitant way of life. For such education the school is considered to be more or less in loco parentis, and emphasis is placed upon the right of parents to have such education available to their children, and upon their right to choose it or not.

Where religious education is confessional, but non-denominational, the rights of parents are balanced by the right of the state to ensure that education not be divisive. Generally speaking, the aim of such education in the jurisdictions studied here is to foster a

commitment to Christianity, understood as the leading of a life inspired by the example of Christ rather than as adherence to a particular set of doctrines. For an example of this, see "Newfoundland", where the aims of the integrated system, which is controlled by an inter-denominational group, are stated.

Where religious education is non-confessional, the school is not in the role of exercising the right of parents to induct their children into a particular set of religious beliefs, and its concomitant way of life. That is left to the home and the church. The role of such education is to foster understanding and tolerance among diverse religious groups; to provide the student with some information and understanding to guide him/her in his/her choice of a life-stance; and, to the extent that such education includes moral education, to foster pro-social attitudes, and good citizenship. For an example, see Sweden.*

I have not come across any explicit expression of concern for the rights of children in the role that the school is to play in their religious education, though a right to choose exemption from religious instruction is generally transferred from parents to students when they come of age. No doubt this has much to do with the absence of any political necessity for making concessions to their interest. However, it is possible to argue that non-confessional religious education balances the right of the child to hear views alternative to those of his/her parents against the right of the parents to teach children their particular beliefs. This argument will also apply to a lesser degree to confessional but non-denominational religious education.

Question 7: What curricular materials, in the form of courses, units of study, and support documents, are approved for use, recommended, or widely used by teachers?

The most useful information for someone who wishes to develop materials for a religious education curriculum may be found under "Canada", "Newfoundland", "Quebec", "Queensland, Australia", "England", and "The United States". Mention of curriculum materials is also made under "Alberta", "British Columbia", "Ontario", "Saskatchewan", "Holland*", and "Sweden*".

Question 8: What has been the public reaction to religious education policy/practice?

A full account of public controversy pertaining to religious education is beyond the capacity of a study of this scope. One quote from a letter to me from Dr. Ian Mavor in Queensland, Australia is worth noting here (See the "Queensland, Australia" section to place this in context):

> The religious Education Curriculum Project came under attack from the "far right" of the political spectrum. The major criticisms were the inclusion of references to religions other than Christianity and the emphasis on "education" rather than "instruction." The provision for decisions by the denominations themselves and the design of the materials to incorporate a range of options took the weight out of these criticisms. At the time, however, other materials had been removed from schools by the activities of such groups and the Project was at risk. This brought strong support for the Project from the major

churches, the Teachers' Union, the Council of Parents and Citizens Associations and University academics, all of whom supported the approach being taken.

Anyone who is familiar with the history of education will be aware of how highly controversial religious education has always been, everywhere. Before governments in the Western world began to get involved, education was largely undertaken by the churches. One of the primary rationales behind government involvement was the need for systems which would universalize the fostering of good morality, which was largely associated with religious education. But the promotion of universal education continually ran into the problem of dissension among adherents of various religious factions vying for control. The pattern can be seen in the history of education in Ontario, with the controversy between the Anglican Bishop John Strachan and the Methodist dissenter Egerton Ryerson. The problem was especially acute in the more democratic countries, which is one reason why countries like the United States and England lagged so far behind Prussia in the implementation of state-controlled education. (In England the first bill to institute a universal system was brought into Parliament in 1820. No such bill passed until the Education Act of 1870, largely because of the religious difficulty.) Part of the reason why religious education often gets pushed aside in the curriculum is that it tends to resurrect these controversies.

There are several obvious strategies for reducing dissent, the use of which is evident in the patterns of religious education mentioned previously:

1. Make religious education non-compulsory. This also has the effect of making it an unimportant, largely ignored part of the curriculum.

2. Make exemption provisions for dissenters. If religious education is compulsory, this strategy has the effect of rendering it only partially compulsory.

3. Make it non-denominational. This still leaves the problem of what to do about those who, on the one hand, want denominational instruction, and those who, on the other, want non-confessional education. For these people, exemption provisions are essential.

4. Make it non-confessional. This leaves the problem of what to do about those who want confessional instruction. Once again, exemption provisions are essential.

CANADA

Canada is a complex mosaic of contexts for religious education. Education systems range from the publicly-funded, fully denominational system of Newfoundland, to the unitary, secular system which existed in British Columbia prior to 1977.

According to the British North America Act, 1867, education is to fall under the jurisdiction of the provinces, subject to four provisos which protect rights and privileges enjoyed by people belonging to certain denominations at the time of entry into Confederation. These rights and privileges have been preserved in Section 29 of the Canadian Charter of Rights and Freedoms, which is part of the Constitution Act, 1982.[1]

The first of the aforementioned provisos states:

> Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union.[2]

In Ontario, pre-Confederation law granted rights and privileges to the Catholic minority, and so the province has a separate school system. The second of the provisos extends the same rights and privileges to "the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec" as were granted to the Catholic minority in Ontario.[3] This set the stage for a dual confessional system in Quebec. The provisos have no application to Nova Scotia, British Columbia, or Prince Edward Island, as they had no laws respecting denominational rights or privileges upon entering into Confederation.[4] Neither do they apply to New Brunswick.[5] Alberta and Saskatchewan have separate school systems, in accordance with a modified form of the provisos.[6] Manitoba originally had a dual confessional system, like that of Quebec, but this was abolished by the Manitoba Legislature in 1980. The provisos do apply in the case of Manitoba, but the action of the Manitoba Legislature has never been reversed.[7]

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1. Irwin Cotler, "Freedom of Assembly, Association, Conscience and Religion (s. 2(a), (c) and (d),)" Canadian Charter of Rights and Freedoms: Commentary, eds. Walter S. Tarnopolsky and Gerald A. Beaudoin (Toronto: The Carswell Co. Ltd., 1982) p.185.

2. The B.N.A. Act, 1867, s.93(1).

3. Ibid., s.93(2).

4. Cotler, p.189.

5. Sister M. Genevieve Hennessey, S.C.I.C., "New Brunswick", Catholic Schools in Canada ed. Carl J. Matthews, S.J. (Toronto, The Canadian Catholic School Trustees' Association, 1977 p.9.) Cotler's comment, at the location previously cited, seems to indicate, however, that there were legal rights with regard to education for the Catholic minority in New Brunswick.

6. Cotler, p.189.

7. Ibid.

Newfoundland adopted a different version of the provisos in its Terms of Union incorporated in the B.N.A. Act, 1949, and recognition of rights was provided for several denominations.[8]

With regard to the definition of "religious education", it would appear that there are no legal definitions in Canada:

> It is somewhat disconcerting that, given the statutory protection of religion in our law, none of the human rights statutes in Canada define... religion. Nor have our courts poured any content into this term even when addressing such important constitutional issues as freedom of religion.
>
> The issue has been given considerably more attention by the American courts...[9]

Religious Education Curriculum Materials in Catholic Schools in Canada

One thing that is uniform throughout all jurisdictions in Canada is the use of The Canadian Catechism in Catholic schools, whether publicly funded or not. Rather than repeat this information for each jurisdiction, I mention it here. Popularly known as the "Come to the Father" Series, The Canadian Catechism includes texts for children from pre-schoolers till the end of Grade 8, as well as teachers' manuals, teacher-parent manuals, music records, and film strips. Approved by the Canadian Bishops in 1966, it undergoes revision from time to time. There is, of course, a French version. Publishers are Paulist Press, New York, or Griffin House, Toronto.

ALBERTA[10]

The Alberta School System

The Alberta Act of 1905, which transformed Alberta from a territory to a province, guaranteed public funding for two sectors of the school system: the public schools and the separate schools. This made it possible for Catholic or Protestant electors who constitute a minority in a school district to establish their own schools.[11] Catholic schools are publicly-funded for all grades.

Religious Education in Alberta

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8. Ibid.

9. Ibid., p.190.

10. The information in this section is up to date, library sources having been supplemented by a letter to me, dated Aug. 22, 1984, from Ralph H. Sabey, Associate Director, Social Studies, Department of Education, Alberta.

11. The Alberta Act, 1905, s.17.

The School Act states simply: "A board may permit religious instruction for pupils in a school."[12] This applies both to separate and to public schools. Some private schools also receive public funds. Among these are Accelerated Christian Education, Alpha Omega, Mennonite, and Seventh Day Adventist schools, which offer religious instruction of a confessional nature. There are also some Hebrew schools which offer basic courses in Judaism.[13]

In 1974, the Department of Education published Social Sciences 10-20-30:Curriculum Guide for Religious Studies.[14] This consists of three modular units purporting to be studies in comparative world religions. But, according to Neufeldt, there is only one unit which deals with comparative religions, which he refers to as "Social Studies 10" (rather than "Social Sciences 10"). The three "Social Studies" 10, 20, and 30 in the public system correspond to Religious Studies 35, 15, and 25, respectively, in the separate system.[15]

It may be assumed that in the elementary grades the separate schools make use of the "Come to the Father" Series, mentioned under "CANADA".

A recent survey of Alberta school superintendents revealed that 92% of the separate and other religiously-oriented schools offered courses in religious and/or moral instruction, while 30% of the public schools did. In 69% of the religiously-oriented schools, Bible study was a regular practice, while the figure was 8% for the public system. Administrators in religiously-oriented schools generally ranked religious and moral education as the major concern out of eight others. Public school administrators generally ranked it eighth out of eight.[16]

BRITISH COLUMBIA[17]

When British Columbia entered confederation in 1871, there were no state-supported denominational schools, and the Public Schools Act of 1872 reaffirmed previous legislation

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12. Revised Statutes of Alberta, 1980, Chap. s-3, s.160(b).

13. Letter from Sabey.

14. This guide may be found among the curriculum guides in the OISE library.

15. Ronald W. Neufeldt, Religious Studies in Alberta: A State-of the Art Review, Canadian Corporation for Studies in Religion Series (Waterloo, Ont.: Wilfrid Laurier University Press, 1983) p.22.

16. A. Harold Skolrood, Moral and Religious Education in Alberta Schools, Report Prepared for the Alberta Inter-Faculty Committee on Religious and Moral Education (1979) pp.8-10. This report contains other findings with regard to the views of school supervisors, and the practice of religious education. A copy may be obtained from Dr. Skolrood, Faculty of Education, University of Lethbridge, Alberta.

17. This information is up to date. A letter from R. J. Carter, Minister of Education, to Rev. Ernest L. Johns, of the Ecumenical Study Commission on Public Education, dated Dec. 16, 1983, indicates that policy remains essentially as reported here.

stating that no such schools were to be established.[18] The system was unitary and non-sectarian, with neither separate schools, nor publicly funded denominational schools.

In 1977, however, the Social Credit government of William Bennett, Jr. passed the Independent Schools Support Act.[19] This makes provision for partial funding at levels to be set annually by Order-in-Council, for two classifications of independent schools which have been operating for at least five years.[20] Currently the Catholic independent schools receive a subsidy of 30% of public school operating costs.[21]

The largest group of independent schools are the Catholics, with 66 schools serving 13,000 students in 1978. Other groups include the Society for Christian Schools, with 19 schools serving 2000 students; the Seventh Day Adventists serving 1000 students; the Mennonite Education Institute with 480 students; and other fundamentalist groups with a total of 2000 students. No doubt many of these schools engage in religious education of a confessional nature. There are also several non-denominational independent schools.[22]

The School Act, which does not apply to the aforementioned independent schools, states that "...the schools shall be conducted on strictly secular and non-sectarian principles. The highest morality shall be inculcated, but no religious dogma or creed shall be taught."[23]

In a few school districts, secondary courses in comparative religion have been developed.[24] An article in a recent Globe and Mail reports on a course, entitled "Religions of Our Neighbours," developed and piloted by Sid Bentley, of the William Beagle Junior Secondary School.[25]

MANITOBA[26]

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18. L.W. Downey, The Anatomy of a Policy Decision: B.C.'s Bill 33 -- The Independent Schools Support Act (Unpublished report? 1979) pp.8,9. I obtained this report at a conference held at Simon Fraser University, on "Family Choice, Schooling and the Public Interest," which I attended in 1980.

19. Ibid., p.29.

20. Independent Schools Support Act, 1977.

21. Letter from Carter to Johns.

22. Downey, p.10.

23. Revised Statutes of British Columbia, 1979, chap. 375, s.164.

24. Letter from Carter to Johns.

25. The Globe and Mail, Sept. 18, 1984, p.88.

26. This information is up to date. A letter from John Dyck, Assistant Deputy Minister, to Rev. Ernest L. Johns, dated Dec. 16, 1983, indicates that policy remains essentially the same as reported here.

The Manitoba School System

There are no publicly-funded separate or denominational schools in Manitoba. From 1871, when it became a province, until 1890, Manitoba had a school system modelled after that of Quebec: a dual confessional system.[27] But in 1890 the Manitoba legislature abolished tax support for Catholic schools, which gave rise to a national controversy over the issue of provincial autonomy in the area of education. The Conservative government in Ottawa introduced a remedial bill in the House of Commons, but before it came to a final vote, its five-year mandate ran out. Wilfrid Laurier, leader of the Liberals, ran on a platform of non-interference, and gained power in the ensuing election of 1896; the abolition of tax-supported separate schools in Manitoba remained in effect.[28]

Religious Education in the Public Schools

The Public Schools Act says: "Public schools shall be non-sectarian..."[29]

The act permits instruction in religion if it is authorized by a by-law passed by the school board. Such a by-law must be passed when the school board receives a petition requesting it signed by the parents or guardians of at least 10 children attending a school of 1 or 2 classrooms, or by the parents or guardians of at least 25 children attending a school of 3 or more classrooms. Religious instruction may take place as scheduled by by-law of the school board, but it must not exceed two and one half hours per week. It is to be "conducted by a clergyman, priest, rabbi or other spiritual leader or by a representative of parents recognized by the school board as constituting a religious group or by any person including a teacher, duly authorized by such clergyman, priest, rabbi or other spiritual leader."[30]

A pupil under the age of majority whose parent or guardian does not want him/her to participate in religious instruction is to be excused. Any pupil over the age of majority who does not want to participate in religious instruction is to be excused.[31]

NEW BRUNSWICK[32]

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27. Charles E. Phillips, The Development of Education in Canada (Toronto: W. J. Gage and Co. Ltd., 1957) p.227.

28. Joseph C. Stangl, K.S.G., "Manitoba," Catholic Schools in Canada, p.30.

29. Statutes of Manitoba, 1980, chap. 33, s.84(1).

30. Ibid., s.80, 81.

31. Ibid., s.82.

32. This information is up to date. A letter from Clarence Cormier, Office of the Minister, Department of Education, to Rev. Ernest L. Johns, dated Dec. 5, 1983, indicates that policy remains essentially the same as reported here.

There are no legally established separate schools in New Brunswick. The Common Schools Act, of 1871, created a single non-sectarian system with no provision for religious education. Prior to 1967 there were Catholic schools that had received government support, but the New Brunswick legislature argued that they had not been established by law, and that Section 93 of the B.N.A. Act had no application. Catholics sought to change the Act, but the position of the New Brunswick legislature was eventually upheld in London by the Privy Council.[33]

Nevertheless, informal agreements have enabled de facto Catholic schools to exist. In 1967 a reduction in the number of school districts, and an accompanying trend of consolidation of small schools into larger ones, brought children and teachers of different denominations together, and reduced the number of Catholic schools. In the late 70's about 4% of the student population of 160,000 were attending such schools.[34]

The New Brunswick Schools Act states: "All schools conducted under this act are to be non-sectarian."[35] No provision is made for religious education. The regulations forbid teachers "to make use of any catechism," or to interfere or permit interference on the part of others "with the religious tenets of any pupil."[36]

In Catholic schools, however, religious instruction has been permitted after legal school hours.[37]

NEWFOUNDLAND[38]

The Newfoundland Education System

In Newfoundland there are no secular or nondenominational schools funded by the government. Public funds are allocated to the denominational school boards who own and operate almost all the schools. The denominational system was formally recognized by the first Education Act, of 1836, and enshrined in the Terms of Union of Newfoundland with Canada,

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33. Sister M. Genevieve Hennessey, S.C.I.C., "New Brunswick," Catholic Schools in Canada, p.9.

34. Ibid., p.10-12.

35. Revised Statutes of New Brunswick, 1973, chap. s-5, s.76.

36. Reg. 67, #12. Quoted in Nathan R. Kollar, "People's Rights and Provincial duties: Religious Education and Public Schools in the Province of New Brunswick," Religious Education 1968 (Nov-Dec 1973) p.691.

37. Hennessey, p.10, 11.

38. The information here is up to date, library sources having been supplemented by a letter to me, dated Sept. 10, 1984, from Ross Reccord, of Fred Kirby Junior High School, Foxtrap, Newfoundland.

in 1949.[39] The Anglican, United Church and Salvation Army[40] schools were integrated into one group in 1968, but remain separate from schools controlled by the Roman Catholics, and from two very small systems controlled by the Pentecostal Assemblies and the Seventh Day Adventists.[41] The integrated system serves 55% of the population.[42]

In 1969 a new Department of Education Act was passed which set up Denominational Educational Committees outside the Department. These committees have responsibility for the development and administration of religious education.[43]

Religious Education in Newfoundland

Under the Schools Act: "Every School Board...shall follow the courses of study and the text in religion prescribed by the appropriate denominational authority".[44] These courses are to be taught by "every teacher in a school."[45] "No person", however, may "impart to any child...any religious instruction which may be objected to, in writing, by the parent or guardian of that child".[46]

The clause which makes teaching religious education mandatory, as directed by the educational committees, has caused some resentment. To prevent misunderstandings, school boards make it clear to new teachers that their contract includes such teaching.[47]

In the integrated system, religious education is taught by the homeroom teacher at the elementary level.[48] This is probably true for the other systems as well. At the secondary level, the integrated system hires specialists - teachers who have majors in Religious

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39. Terms of Union, 1949, Art.17.

40. In his letter, Ross Reccord adds the Moravian and Presbyterian churches to these.

41. John R. Williams, "Religion in Newfoundland: the Churches and Social Ethics," Religion and Culture in Canada, ed. Peter Slater (Canadian Corporation for Studies in Religion, 1977) pp. 98, 99. See also The "Integrated" Study Group, Western Newfoundland, "Approaches to Religious Education," Religious Education, Special edition: Religious Education in a Pluralistic Society: Addresses and Papers of the National Conference, Ecumenical Study Commission, Canada, ed. H.L. Puxley, 68 (July-Aug 73) p.s-74. This source dates the integration of Anglican, United Church, and Salvation Army schools from 1969, and adds the information about the Seventh Day Adventists.

42. Letter from Reccord.

43. Department of Education Act, s.17a (ii). See "Approaches to Religious Education," p.s-79.

44. The Schools Act, s.12(g). Quoted in "Approaches to Religious Education," p.s-79.

45. The Schools Act, s.79(c). Quoted in "Approaches to Religious Education," p.s-79.

46. The Schools Act, Revised Statutes of Newfoundland, 1970, s.64. See also s.79(c).

47. "Approaches to Religious Education," p.s-79, s-84.

48. Letter from Reccord.

Studies, plus courses in religious education.[49] Until recently many teachers had no formal education in religious studies or religious education. This has been ameliorated in recent years, however, by the Department of Religious Studies of Memorial University, which has off-campus background courses available at several locations.[50]

In the integrated schools, religious education is given the same status as social studies programs. Usually there are three forty minute periods per week.[51]

A two-page document, entitled "Aims of Religious Education", spells out the philosophy of the integrated system with regard to religious education. The stated aims are:

1. To enable students to understand what religion, and in particular, Christianity, has contributed to our total way of life in the western world.
2. To assist students in their understanding of what constitutes belief, what people believe and how their beliefs determine their behaviour and/or otherwise influence their lives.
3. Help students clarify their thinking on some of the fundamental questions about themselves and their relationship to their fellow man, to the universe, and to a transcendent order.
4. Help students develop for themselves an approach to life based on Christian principles. (It is more in keeping with the best in our religious traditions that a person be enabled to make the proper decisions than it is to have these decisions imposed upon him).[52]

Curriculum Materials in Use

In the Catholic system, it is to be expected that The Canadian Catechism, mentioned under "CANADA", is in use.

In the integrated system, Reccord writes:

> We have a full course of study from Kindergarten through grade twelve. We have just published a teacher resource manual for K-2 teachers (Nelson Canada). The manual has outlined the philosophy, objectives and approach of religious education for these grades. Essentially, the program endeavours to help the student understand himself/herself and his/her relation to other people. It also deals with the problem of forgiveness and reconciliation. In addition to these themes the program provides religious objectives for the seasonal themes of Thanksgiving, Halloween, Christmas, Valentine's and Lent-Easter for each grade level. Grade three is currently under revision, but we are presently using a program written for the Lutheran Church of America. The text is entitled Chosen to Serve. In grades four, five and six we have developed a

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49. Ibid.

50. Approaches to Religious Education," p.s-84

51. Letter from Reccord.

52. "Approaches to Religious Education," p.s-80.

program in cooperation with Fortress Press. The text used in grade four, God's Ways in His World examines the problems of natural law, evolution, and examines the issues of science and religion in an elementary way. The final chapters provide a lead into the grade five and six programs which is on the Old and New Testaments. These texts, Bible People and Bible Times Old Testament and New Testament are designed to introduce the student to biblical studies and were developed with a great deal of local input.

In grades 7 and 8 the student is introduced to some theories on the development of religion as well as an introduction to the world's faiths. The texts used are From Fear to Faith and Paths to Faith, both published by Longmans and available from Academic Press. The course used in grade nine deals with the Christian Heritage. It involves a brief study of the early church up to the reformation and then examines the beliefs and practices of some of the major denominations within Christianity. This text was written locally and published for us by Nelson Canada.

The high school program consists of five courses, all of which may be used to complete graduation requirements. Essentially, students are required to complete three courses in religious education unless their parents object in writing. The high school courses attempt to tie together the work that has been introduced in the lower grades. I will use the course numbers in referring to these courses...

- R.E. 1100 - This course consists of five units, Religion and its place in the family; Human Values, Communication, Lifestyles; Science and Religion. The student text, Dimensions of Religion, is an anthology of selected articles. There is also a course description and teacher guide. The course was written and developed locally and published by Nelson Canada.

- R.E. 2100 - This course examines the nature and beliefs of the primitive and Eastern Religions. The text used is What People Believe, Volume I, published by McGraw-Hill.

- R.E. 2109 - A course on the nature of the Old Testament. It introduces the student to Biblical criticism and analysis. The text used is The Old Testament - Its History, Culture and Themes, again written locally and published by Nelson Canada.

- R.E. 3100 - This is a course on Western Religions. It examines the nature of religion and the great faiths that have shaped the western world. The text is What People Believe - Volume II and is published by McGraw-Hill Ryerson.

- R.E. 3109 - The final course in our program is on the New Testament. It is designed to examine the life of Jesus and the development of the early church as seen through Luke-Acts. The text A Doctor Remembers - the good news according to St Luke, was written locally and published by Nelson Canada.

THE NORTHWEST TERRITORIES[53]

Because the Northwest Territories comes under the jurisdiction of the federal government, the Department of Education obtains most of its revenue from the (federal) Department of Indian Affairs and Northern Development. There are three types of schools: territorial schools, with 85% of the students, public schools, and Catholic schools. The latter two types

53. The information in this section is up to date, at least with regard to policy affecting religious education. A letter from Dennis Patterson, Minister of Educaiton, to Rev. Ernest L. Johns, dated Dec. 6, 1983, indicates that policy remains essentially as reported here.

are in the capital city of Yellowknife. Territorial schools are funded entirely by the federal government. The others receive 25% of their funds for operating costs from local property assessment. (Building projects, however, are fully funded by the federal government.)[54]

The School Ordinance allows religious instruction to be given as "permitted or desired by the board", provided it occurs in the final half-hour before closing in the afternoon. Pupils are allowed to leave once religious instruction has begun, or they may remain in the room without participating, if their parents or guardians so desire. No teacher, school trustee, or inspector may attempt to deprive pupils exempted for religious instruction of any advantage afforded to them by the ordinary education given in a school, and any such action is to be held a disqualification for and voidance of the office held.[55]

The foregoing clause making reference to "the board" appears to have limited application, for the territorial schools do not have boards. Religious education was given, however, in some of these schools for up to two and one half hours per week.[56]

NOVA SCOTIA[57]

As in New Brunswick, there are no legally sanctioned separate schools in Nova Scotia. There are, however, schools within the public system which are permitted by gentlemen's agreement to operate as Catholic schools. This arrangement has existed since Confederation, and varies from place to place.[58]

In 1974 a Royal Commission, known popularly as the "Graham" Commission, strongly advised against having religious education of a confessional nature in the public schools. It recommended, however, that there be formal programs in comparative religion and in ethics and values in schools whose communities desire them. These, it said, should be offered to students on an elective basis, and the teachers should be educated in the field at the university level.[59]

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54. Clayton E. McKinley, "The Northwest Territories," Catholic Schools in Canada, p.47.

55. Northwest Territories Revised Ordinances, 1974, chap. s-3, s.104, 105.

56. McKinley, p.47, 48.

57. This information is up to date. A letter from the Minister of Education, Terence R. B. Donahue, to Rev. Ernest L. Johns, dated Dec. 16, 83, indicates that policy remains essentially as reported here.

58. Sister Haidee Patricia MacLellan, C.N.D., "Nova Scotia," Catholic Schools in Canada, p.14.

59. John F. Graham, et. al., Report of the Royal Commission on Education, Public Serivces and Provincial-Municipal Relations (Halifax: Queen's Printer, 1974) Vol. III, Ch.41, pp.104, 105.

ONTARIO[60]

The Ontario School System

The publicly supported schools of Ontario are divided into two sectors: public schools and separate schools. The legal basis for this division dates from before Confederation, and was entrenched in the British North America Act.[61] Separate schools are almost all Roman Catholic schools, but there are a few Protestant separate schools as well. These schools exist in communities where teachers in the public schools are predominantly Roman Catholic.

Until the present, Ontario has been the only province with a separate school system which has not funded all grades. Funding has been provided only until the end of Grade 10.[62] This will change in 1985, according to the announcement made by Premier William Davis on June 12, 1984. From then on Catholic schools will receive the same level of support as other schools, for all grades, including Grades 11, 12, and 13.

Religious Education in the Public Schools (Elementary and Secondary)

Under present law, students are allowed to receive religious instruction in school, according to their own wishes.[63] Students may not be compelled to read or study from a religious book, or to join in religious exercises, against the wishes of their parents or guardians, or, in the case of adult students, against their own wishes.[64]

For elementary public schools, the regulations stipulate that religious education be given, unless the Minister grants exemption to school boards making a written request offering reasons.[65] Such instruction is to be offered in two periods per week of one-half hour each, either immediately after the opening of school, or immediately before closing, in either the morning or afternoon sessions.[66] The regulations stipulate that religious education be given by the teacher unless the teacher notifies the board that he or she wishes exemption, or unless the board makes a resolution that a member of the clergy, or some person selected by the clergy, teach the subject.[67] If the teacher claims exemption, then the board must make

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60. This section is up to date, having been supplemented with information currently available in Toronto newspapers.

61. B.N.A. Act, 1867, s.93.

62. Carl J. Matthews, S.J., "Ontario", Catholic Schools in Canada p.28.

63. The Education Act, Statutes of the Province of Ontario, 1974, s.48(1).

64. Ibid., s.48(2).

65. Revised Regulations of Ontario, 1980, s.28(4), (15).

66. Ibid., s.28(4), (5).

67. Ibid., s.28(6), (7), (14).

some other provision to satisfy the regulation.[68] No pupil is required to take religious education if his or her parent applies to the principal for exemption.[69] If exempted, the pupil may remain in the classroom (on the condition that behaviour is "decorous"), or leave, according to the wishes of the parent.[70]

For secondary schools, the regulations permit a school board to authorize members of the clergy, of one or more denominations, or lay persons selected by the clergy, to conduct classes in religious education. This instruction is not to exceed one hour per week, at times allotted by the principal.[71] No student is to be required to take a religious education class, and no teacher is to be required to give one. Provisions for exemption are similar to those for the elementary schools.[72]

While "religious instruction" is not explicitly defined in the statutes and regulations, the context strongly indicates that the religion in which the instruction is to be given is Christianity. In the subsections dealing with religious exercises, for example, reference is made to the Lord's Prayer and to the Bible.[73]

The foregoing regulations describe the policy put into effect by the Conservative government of Premier George Drew, in 1944. By 1945 the Department of Education had developed guides for Grades 1 to 6,[74] and a pattern emerged in which teachers taught these grades, while clergy taught Grades 7 and 8. No guides were available for Grades 7 and 8 until 1959 and 1961 respectively.[75] The course introduced in 1944 was fairly widely accepted at the time, though controversial. The provision for exemption for school boards, however, allowed the policy to fall into desuetude by 1960 or so.[76] A commission was set up in 1966 to study the matter, which produced in 1969 what is popularly known as "the Mackay report," after the name of the chairman. This commission recommended that the regulation prescribing religious instruction in elementary schools be repealed, and that the program be abandoned.[77] It held that denominational teaching should not be permitted within the public system, and that the clergy

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68. Ibid., s.28(14).

69. Ibid., s.28(10).

70. Ibid., s.28(11), (12), (13).

71. Ibid., s.29(5), (6).

72. Ibid., s.29(8), (9), (10).

73. Ibid., s.28(1), 29(3).

74. The six volumes can be found in the Emmanuel College Library.

75. J. Keiller Mackay et al., Religious Information and Moral Development: The Report of the Committee on Religious Education in the Public Schools of the Province of Ontario (Toronto: Ontario Department of Education, 1969) p.12, 13.

76. Ibid., p.14.

77. Ibid., p.93.

should not be given explicit permission by law to enter the schools.[78] The present regime has elected to let religious education lie fallow, as it has since before the Mackay report, but not to follow its recommendation to officially abandon the policy. This is probably the least controversial action to take.

One of the twelve recommendations of the Mackay report was that a formal course of study dealing with the principal religions of the world be offered as an optional course in Grades 11 and 12.[79] The report was careful to distinguish this from confessional teaching.[80] The Ministry of Education did implement this recommendation, and published, in 1971, a curriculum guideline entitled World Religions.[81] In 1980, there were 2,920 students in Grades 11 and 12 taking this course, out of a total of 255,709 students in those grades (i.e. a little more than 1%).[82] There are no Ministry-approved textbooks for the course.[83] Any texts for the course provided by the school are to be selected by the principal, in consultation with the teachers. The selection must be approved by resolution of the board.[84] There are many resources recommended in the guide.

The Education Act makes explicit provision for religious education courses in separate schools.[85] In 1978, religious education courses in Grade 9 and 10 were approved by the Ministry of Education for the purposes of credit toward a diploma.[86] For Grades 1 to 8, The Canadian Catechism, mentioned under "CANADA", is in use. Grades 9 and 10 are generally taught by specialists in religious education, and materials vary from board to board.

PRINCE EDWARD ISLAND[87]

Prince Edward Island had no separate schools when it became a province. Currently it has no Catholic schools at all, not even private ones.[88]

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78. Ibid., p.29,93.

79. Ibid., p.93.

80. Ibid., p.70-75.

81. This guide can be found in the OISE library.

82. Ministry of Education, Enrolment by Subjects and Guidelines: 1978-1979-1980 (Toronto: Management Information Systems Branch, 1981) pp.iii,57.

83. Ontario Ministry of Education, Circular 14, 1984., p.137.

84. Ibid., p.3.

85. Education Act, 1974, s.102(2)

86. V. K. Gilbert, et al., A Hard Act to Follow: Notes on Ontario School Law (Toronto: Guidance Centre, Faculty of Education, University of Toronto, 1979) p.20.

87. While the information in this section has not been checked to see if it is presently correct, there is no reason to think that it has changed.

88. Sister Elizabeth Dunn, C.N.D., "Prince Edward Island," Catholic Schools in Canada, p.5.

The School Act states: "All schools conducted under this Act are to be non-sectarian."[89]

As in New Brunswick and Nova Scotia, Catholic religious education classes are taught outside legal school hours. These are becoming increasingly difficult to continue.[90]

QUEBEC[91]

The Quebec School System

Historically, Quebec has had a "dual confessional" school system. Protestants and Catholics were guaranteed their own schools by Section 93 of the B.N.A. Act, and in 1869 the Quebec Education Act set up the Council of Public Instruction with two separate committees, one Catholic, and one Protestant.[92]

In 1964 the Ministry of Education was created, and the Council of Public Instruction was replaced by the Superior Council of Education. But the dual confessional system remained. There are two deputy ministers, one for the Protestants, another for the Catholics. Furthermore, the Superior Council has two separate committees, each with the power to make regulations regarding confessional issues.[93] Their duties are:

1. to make regulations to recognize confessional educational institutions as either Catholic or Protestant, as the case may be, and to ensure their confessional character;

2. to recognize confessional educational institutions as either Catholic or Protestant, as the case may be, and to revoke such recognition when necessary;

3. to make regulations respecting Christian education, religious and moral instruction and religious service in the educational institutions recognized as Catholic or Protestant, as the case may be;

4. to make regulations respecting the qualification, from the point of view of religion and morals, of the managing and teaching staff of such educational institutions;

5. to approve, from the point of view of religion and morals, the curricula, text-books and teaching material in such educational institutions;

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89. The Revised Statutes of Prince Edward Island, 1974 (1982 up-date) chap. s-2, C:1971,c.55,s.58.

90. Dunn, p.6,7.

91. This information is up to date, having been supplemented by a telephone call, on Sept. 25, 84, from M. James Cullen, Direction de l'enseignement catholique, Ministère de l'Education, Quebec.

92. Rev. David F. McKee, "Quebec," Catholic Schools in Canada, p.18.

93. Ibid., p.20.

6. to approve, for religious instruction, Catholic or Protestant, as the case may be, the curricula, text-books, and teaching material and to make regulations respecting the qualification of the teachers having charge of such instruction in schools other than those recognized as Catholic or Protestant;

7. to make recommendations to the Council or to the Minister respecting any matter within their competence.[94]

The philosophy and policy of the Catholic Committee may be found in its three volumes, entitled Voies et Impasses, put out in 1974.[95] An account of the history and philosophy of the Protestant Committee may be found in Quest for Quality in the Protestant Schools of Quebec.

In theory both systems are confessional, but in practice the Protestant schools have been more pluralist than confessional, serving people of diverse religions, including Jews and other non-Christians. Also, the Protestant schools have not always enforced their own regulations with regard to religious instruction.[96]

As indicated in the regulation quoted above, in order to be legally recognized as a confessional school, of either the Catholic or Protestant type, a school must meet the approval of the appropriate committee. School boards must request such recognition for new schools. Recognition may be revoked, either because the committee finds that a school no longer meets its requirement, or because the school board requests it, in compliance with the wishes of the population served. It is possible for a public school to be non-confessional, but few such schools exist in Quebec.[97]

Presently, there are plans for profound changes in the school system of Quebec. The ideas behind these changes go back at least to 1966, when the Parent Commission recommended that the school boards be unified by geographical area. The resulting regional boards would be both confessional and non-confessional, offer instruction in English and in French, and be responsible for pre-school, primary, and secondary education. This recommendation gave rise to great controversy, and still does.[98] Despite its controversial nature, a major structural overhaul along the lines recommended by the Parent Commission has been planned by the Parti

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94. Nathan H. Mair, Quest for Quality in the Protestant Public Schools of Quebec (Quebec: Gouvernement du Québec, 1980) pp.75, 76.

95. Le Comité catholique du Conseil supérieur de l'éducation, Voies et Impasses (Québéc: Ministère de l'Education, Gouvernment du Québec, 1974).

96. The Quebec City Study Committee, "Religious Education - Parental Rights - Student Needs", Religious Education, Special edition: Religious Education in a Pluralistic Society: Addresses and Papers of the National Conference, Ecumenical Study Commission, Canada, ed. H.L. Puxley, 68 (July-Aug 1973) p.s-38.

97. The Schools of Quebec: Policy Statement and Plan of Action (Quebec: Ministère de l'Education du Québec, 1979) p.21, 22. For more details and historical background, see The Quebec School: A Responsible Force in the Community (Quebec: Ministère de l'Education, 1982) pp.10,11.

98. The Quebec School, p.8.

Quebecois, which came to power in 1976. A great many details have been worked out and modified in consultation with the people of Quebec, in order to prepare for a unification of the system. A statement of these plans, and the rationale behind them, may be found in The Quebec School: A Responsible Force in the Community.

While there seemed little doubt a year ago that a new Education Act, providing for a unification of the system, would be passed,[99] the situation has now changed. The Education portfolio, previously held by Camille Laurin, is now held by Yves Bérubé. Extensive hearings were held last winter, and the bill in question, Bill 40, is undergoing drastic revision. It is difficult to say what the final result will be.[100]

Religious Education in Quebec

Present law states that all pupils have the right to moral and religious instruction following a program approved by a priest or clergyman and by the Protestant or Catholic committee of the Superior Council of Education. All pupils have the right to be exempted from such instruction when requested by parents invoking reasons of conscience.[101]

Under the Education Act as originally planned, the policy with regard to religious education would be along the following lines:

> New legislative provisions will allow more explicit guarantees of the principle of non-discrimination, as well as the right to freedom of conscience and religion.... The law will protect the right of parents and guardians to demand that, within the framework of programs prescribed by law, their children receive moral instruction or religious instruction in public educational institutions that is in keeping with their beliefs. Exemptions will no longer be allowed and instead, there will be a system of electives at all primary and secondary levels. This is an extension of the decisions already made by confessional committees with regard to the final years of the secondary level. Moreover, the quality of religious instruction will become the responsibility of the confessional committees acting within a renewed mandate of a more explicit nature. In this way, the Catholic and Protestant confessional committees will have the power to approve the programs of religious instruction in their respective confessions and set standards of professional competence for the teachers involved. On the other hand, no teacher will be required to give religious instruction of a confessional nature against his will.[102]

Whether the act is passed or not, the regulations of the Ministry, and of the Catholic and Protestant committees, make religious or moral education compulsory. For elementary schools, the Catholic Committee requires that a minimum of 120 minutes per week be devoted to religious instruction. The Protestant Committee stipulates that such instruction be compulsory, but does not prescribe any specific time allocation. Provision is made for

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99. Conversation with Dr. Gerald McKay, Faculty of Education, McGill, a year ago.

100. Telephone call from Cullen.

101. Acte sur L'Instruction Publique, Lois Réfondues du Québec, 1979, I-14, s.576, 1979.

102. The Quebec School, p.59. For further details see pp. 75-79. Italics are mine.

parents to exempt their children from such instruction, but the Ministry regulation states: "In that event, the pupil must take courses or do personal research pertaining to moral training or religious knowledge."[103] Furthermore, in schools which are not recognized as confessional, moral instruction is compulsory. In these schools an optional course in denominational instruction may be offered as an alternative to moral instruction if the number of parents requesting it permits its organization.[104]

For secondary schools, the regulations are the same, except that the Catholic Committee requires that an average of 100 minutes per week be devoted to religious instruction. The regulations of the Catholic Committee add that,

> In the third, fourth and fifth year of the secondary level, the institution may set up a variety of programs of religious and moral instruction: (a) in the third year, the institution may offer a choice between Catholic religious instruction, which must always be offered, and moral instruction; (b) in the fourth and fifth years, the institution may offer a choice between Catholic religious instruction, which must always be offered, and religious instruction of a cultural type, and moral instruction.[105]

The regulation of the Protestant Committee adds,

> Moral and religious instruction shall include:
>
> 1. courses of Bible study based on passages selected from the Old or New Testaments, or both; or
> 2. courses of study dealing with world religions, philosophy or ethics, personal development, human relations and social problems;
> 3. or both.[106]

M. Cullen has told me that starting Sept. 1, 1985, Catholic schools will be required, by regulation of the Catholic Committee, to offer moral instruction.[107] At present the presumption is that students will take Catholic religious instruction, though they may be exempted to pursue a course of studies in moral instruction. In the future, students will have to make a choice between the two in the normal course of events. Furthermore, the course in cultural studies will no longer be offered as religious instruction. Responsibility for it has passed to the Ministry of Education.

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103. Regulation Respecting the Basis of Elementary School and Preschool Organization (Québec, Gouvernement du Québec, 1983) s.44 and commentary.

104. Ibid., s.45.

105. Regulation Respecting the Basis of Secondary School Organization (Québec, Gouvernement du Québec, 1983) s.39, commentary.

106. Ibid.

107. Order-in-Council, no.1177-83, 8 June 1983, Gazette Officielle du Québec, June 29, 1983, Vol 115, No 28. Quoted by Cullen.

Quebec Religious Education Curriculum Materials

The Canadian Catechism, mentioned under "CANADA", is used in Catholic schools in Quebec.

In addition, the following materials were also located in the OISE library. This list is, as M. Cullen puts it, "passé." The materials are undergoing a revision for Grades 1 through 11, and will have much greater content, and accompanying teacher's guides. The materials in moral education are undergoing thorough revision as well. All titles were put out by the Quebec Ministry of Education.

Approved by the Catholic Committee of the Superior Council:

- Kindergarten Activities: Spiritual Awakening and Growth in Faith for Little Ones (Age 4-5). Put out in 1976, this is of a confessional nature.
- Personality Development: Catholic Religious Instruction (12-17 years): Curriculum for Secondary Education. Put out in 1971, this is of a confessional nature. The French version is also in the library.
- Religious Instruction: Courses in Religious Culture, 331-431-531. Put out by the English Catholic Schools in 1971, this appears to be of a non-confessional nature. The French version is also in the library.
- Guide Pedagogique pour l'Enseignement des Programmes - Cadres de Culture Religieuse, 331-431-531. Put out in 1973, this is not the French version mentioned immediately above. It appears to be of a non-confessional nature.

Approved by the Protestant Committee of the Superior Council:

- Course Outline for Moral and Religious Instruction: Curriculum for Secondary Schools. This is a draft outline.

In addition, Quest for Quality in the Protestant Schools of Quebec lists the following curricula for the Protestant schools:

- Personality Development: Moral and Religious Instruction. Curriculum for Secondary Schools. Directorate of Elementary and Secondary Education, Department of Education, 1968. A French version also exists.
- Personality Development: Moral and Religious Instruction for Protestant Schools. Curriculum for Elementary Schools, Directorate of Elementary and Secondary Education, Department of Education, 1968. A French version also exists.
- Personality Development: Moral and Religious Instruction (Protestant): Bible Study. Curriculum for Elementary Schools. General Directorate of Elementary and Secondary Education, Department of Education, 1973.
- Teacher's Resource Book and Guide to Accompany the Programme of Moral and Religious Instruction for Elementary Schools. Directorate of Elementary and Secondary Education, Department of Education.
- Moral and Religious Instruction (Protestant). Proposed revision of the Course Outline for the Elementary Level with Teacher's Guide and Resource Lists. Direction générale de l'Enseignement élémentaire et secondaire, ministère de l'Education, 1975. A French version also exists.

. Curriculum for Secondary Schools. Teacher's Guide and Resource Book to accompany the Course Outline for Moral and Religious Instruction (16-3700-A) - Protestant. Secondary I to Secondary V in five volumes. Protestant Education Service, Quebec, Direction générale du Dévelopement pédagogique, ministére de l'Education, 1976.

. Course Outline for Moral and Religious Instruction. Curriculum for Secondary Schools. Draft Revision, Quebec: Protestant Education Service, Direction générale du Développement pédagogique, ministére de l'Education, 1976.[108]

SASKATCHEWAN[109]

The Saskatchewan School System

In Saskatchewan, as in Alberta, the act which constituted the province in 1905 guaranteed public funding for Catholic separate schools, as well as public schools. The Secondary Education Act of 1907, however, took away the right to tax support for Grades 9 to 12 wherever a public high school district had already been established. It was not until 1964 that this act was amended, and full public funding was granted for all grades of the separate schools.[110]

Religious Education in Saskatchewan

The Education Act gives permission for religious instruction as authorized by the board of trustees of a school district, or by the board of education of a division which is not divided into school districts. This instruction is not to exceed two and one half hours per week.[111] If a pupil does not wish to participate in such courses of instruction he/she must be exempted from attendance, with the written consent of his/her parent or guardian. Suitable alternative studies appropriate to his/her program must be provided.[112] Most public boards do not provide religious education at either the elementary or secondary level.[113]

A curriculum guide for use in Saskatchewan schools can be found in the OISE library. It is Christian Ethics: Curriculum Guide (Department of Education, Saskatchewan, 1975), and has a companion, Christian Ethics: Teacher's Guide. There is a supplement, also put out in 1975. Developed by the Department of Education under the chairmanship of Mr. Anton P. Selinger, this course replaces an older one entitled Christianity in the Modern World. It is a three-year

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108. Mair, p.176-177.

109. This information is up to date, library sources having been supplemented by a letter to me from Dr. Art Hindmarsh, Trustee, Saskatoon Board of Education, dated Sept. 14, 1984.

110. William A. Reid, "Saskatchewan," Catholic Schools in Canada, p.34.

111. Revised Statutes of Saskatchewan, 1978, Supplement, Chap. E-0.1, s.181(1).

112. Ibid.,s.181(3).

113. Letter from Hindmarsh.

course for Grades 10, 11, and 12. Although it may be used as a credit course, with school board approval, in any school, it is rather Catholic oriented.

THE YUKON

The School Ordinance of 1974 makes provision for Catholic schools. In 1977, two such schools existed, both in Whitehorse.[114]

With regard to religious instruction, the School Ordinance states:

> (1) Religious instruction may be given to children in school during the first half hour of each day or during such other period as the Commissioner may prescribe.
>
> (2) Where religious instruction is given in a school...any child attending that school may, with the approval of his guardian or parents, leave the school during the time that such religious instruction is given or remain in school without taking part in that religious instruction.[115]

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114. T. A. Weninger, "The Yukon Territory," Catholic Schools in Canada, p.45.

115. Yukon Territory Revised Ordinances, 1971, chap.s-3,s.82.

JURISDICTIONS OUTSIDE CANADA

AUSTRALIA[116]

The School System in Australia

As in Canada, the responsibility for education in Australia lies largely within the jurisdiction of the states, though the Commonwealth government plays a larger role than the federal government in Canada. In Australia, there are six states, two internal territories, and several external territories.[117] In recent years, responsibility for education in the internal territories has passed from adjacent states to the Commonwealth Department of Education.[118]

There are not as many differences among the state systems of education in Australia as there are among the provincial systems in Canada. All states provide for a dual system of schools, government and non-government, and controls are imposed upon all non-government schools, except those in the state of South Australia. In all states religious education is permitted, subject to certain provisos.[119]

Non-government schools, most of which are Catholic, receive some public funds.[120] An interesting connection between religion and finance was established in 1973. In that year the States Grants (Schools) Act, passed by the Commonwealth government, made capital grants available for non-government schools, on the condition that the funds NOT be used to provide facilities which would be used primarily for religious purposes.[121]

Religious Education in Australia

Legal provision is made, in all states, for religious education to be given by representatives of the churches.[122]

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116. This information was accurate as recently as 1980, a major source having that copyright date. Also, I received a letter, dated Sep. 12, 1984, along with some materials, from Dr. Ian Mavor, Religious Education Curriculum Project, Department of Education, Queensland, which brings information concerning Queensland completely up to date.

117. "Australia, Commonwealth of, "Encyclopaedia Britannica (Chicago: Encyclopaedia Britannica Ins., 1984) Macropaedia Vol.2,p.399.

118. A. E. Knott, K. E. Tronc, J. L. Middleton, Australian Schools and the Law: Principal, Teacher and Student (St. Lucia, Queensland: University of Queensland Press, 1980)p.8.

119. I. K. F. Birch, The School and the Law (Carlton, Victoria: Melbourne University Press, 1976)p.3.

120. "Australia, Commonwealth of," p.410.

121. Birch, p.86.

122. Ibid., p.50.

In all states, except Queensland and South Australia, legislation stipulates that only secular instruction be allowed in government schools.[123] The term "secular", however, is taken to include "general religious teaching as distinguished from dogmatical or polemical theology."[124]

No state, except Queensland, requires teachers to give religious education. In Queensland, primary school teachers are required to give instruction in selected Bible lessons.[125] In Victoria, teachers are prohibited from giving religious instruction.[126]

All states have conscience clauses. For example, the Education Act in Tasmania states: "No child shall be compelled to attend such religious instruction if his parents object to his so doing."[127] Laws in Victoria and Western Australia go further, and explicitly state that children are not to be restrained from school attendance on religious grounds. The Victorian provision applies only to government schools, but in Western Australia the provision applies to non-government schools as well. Apparently these laws, expressly protecting freedom of religion, are relatively rare in Australia.[128]

In Victoria, religious instruction may be given to classes as they are normally organized, and must follow an agreed syllabus. The Council of Christian Education is authorized to accredit teachers.[129] In the remaining states, religious instruction must be given by accredited representatives of churches, using material authorized by their denominations. Conditions under which instruction is given are determined by the school headmaster. Usually children receiving religious instruction are segregated from the rest of the school.[130]

The courts in Australia have recently given some attention to the meaning of the expression "general religious teaching", found in the New South Wales Public Instruction Act quoted earlier. In Benjamin v. Downs and Another [(1976) 2 N.S.W.L.R.199], it was argued on behalf of the parent that the act prohibited the teaching of the Christian religion, except as just one system of faith or worship among others. After considering the history of religious

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123. Ibid., p.46.

124. Public Instruction Act of New South Wales, 1880, s.7., and The Education Act, 1964, s.20(2). Quoted in Birch, p.50.

125. Birch, p.50.

126. Ibid., p.34.

127. The Education Act of Tasmania, 1932, s.6(5). Quoted in Birch, pp.50, 51.

128. Ibid., pp.50, 51.

129. Ibid. This seems to contradict the earlier claim that teachers are prohibited from giving religious instruction in Victoria. I interpret Birch as meaning that teachers are prohibited from giving religious instruction, unless accredited.

130. Ibid.

education, Mr. Justice Helsham of the Supreme Court of New South Wales decided that "general religious teaching" may include the teaching of Bible stories as historical fact, and the acceptance of the basic principles of Christianity. These things, he maintained, do not constitute "dogmatical or polemical theology."[131]

Religious Education in Queensland

In Queensland the primary schools are required to set aside half an hour during school hours for Bible lessons from a reading book authorized by the Department of Education. These lessons are not to include any teaching peculiar to any particular denomination or sect. In addition, the clergy, or lay volunteers approved by the clergy, may give religious instruction for up to half an hour a week during regular school hours. A parent may withdraw a child from either type of religious instruction by giving written notice to the head teacher.[132]

In 1982, 94% of the schools offered religious education given by the clergy or lay volunteers. In elementary schools, 81% of the children received religious instruction. In secondary schools, the figure was 66%. (These figures include enrolment in schools not offering religious instruction.)[133]

Because of the need for religious education which children of several denominations could attend, and because the clergy and lay volunteers were not trained teachers, the Religious Education Curriculum Project was set up in 1975. Its responsibilities were:

1. to draw up a syllabus and to provide curriculum materials which could be used by all denominations;
2. to develop a suitable in-service course for members of the clergy, lay personnel and interested teachers; and
3. to establish pilot schemes in different parts of the State.[134]

Belgium[135]

Ninety nine per cent of Belgians are Roman Catholic. Church schools and religious education have been matters of bitter controversy. The "scholastic pact" of 1958 resulted in

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131. Knott, p.168.

132. The Education Act and The Education Regulations of 1971. Quoted in Project Report: Religious Education Curriculum Program 1975-1983 (Curriculum Branch, Department of Education, Queensland) p.36.

133. Project Report, pp.20-23.

134. Ibid., p.4. Materials may be obtained by writing to Dr. Ian Mavor, Religious Education Curriculum Project, Curriculum Branch, Department of education, P.O.Box 33, North Quay, Brisbane, Q4000.

135. This information is out of date, having been taken from Ian T. Ramsey, Bishop of Durham, The Fourth R: Report of the Commission on Religious Education in Schools (London: National Society and SPCK, 1970).

state subsidization of church schools, which at the time were educating 60% of the population. Religious neutrality is required of public schools, but religious education is permitted, subject to the usual exemption provisions.[136]

DENMARK[137]

Unlike Sweden, in which religious education of a non-confessional kind is emphasized, Denmark makes confessional religious instruction compulsory. Teaching accords with the Evangelical (Lutheran) Church of Denmark, and is given only by teachers who are members of the Church. Children may be exempted only if their parents can show that they receive religious instruction elsewhere. Parents who do not belong to any church must educate their children in social ethics. Religion is included in school-leaving exams.[138]

ENGLAND[139]

The English Education System

The present structure of the education system in England was put in place by the Education Act of 1944, which also introduced compulsory religious education into English schools. This act preserved in an altered form the "dual system" which had existed in England since the Elementary Education Act of 1870. Under the dual system founded in 1870, schools which were run voluntarily by non-governmental organizations - mostly churches - were allowed to continue, and receive grants-in-aid. These "voluntary" schools were supplemented by schools run by the state - thus the term "dual system."[140]

Since 1944 the voluntary schools have consisted of three types. One type is the "voluntary aided" school, in which control of religious education is in the hands of the organization running the school. This organization is responsible for a portion of the building and maintenance costs (but not other costs).[141] Recently, the voluntary

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136. The Fourth R, pp.197-198.

137. This information is out of date, having been taken from The Fourth R., which has a copyright date of 1970.

138. Ibid., p.196-197.

139. This information is up to date, a major source having a copyright date of 1983.

140. Ian T. Ramsey, Bishop of Durham, The Fourth R: Report of the Commission on Religious Education in Schools (London: Naitonal Society and SPCK, 1970)pp.6-12.

141. The Fourth R., p.13.

organizations were paying only 15% of these costs.[142] Religious education of a denominational kind may be conducted in these schools. All publicly-funded Catholic schools fall into this category. A second type is the "voluntary controlled" school, which is owned by the voluntary organization, but financed entirely by the state. In these schools religious education must be offered according to a pan-denominational "agreed syllabus", which will be explained in the following section. Parents may, however, request and receive denominational instruction for their children. Anglican schools are typically of this type. A third type is the "voluntary special agreement" school, which is established pursuant to an agreement between church and state.[143]

The other schools in the dual system, those which are owned, financed, and run by the state, are often referred to as "county schools".

Religious Education in English Schools

According to present law, religious education must be offered in all publicly-funded schools:

> Religious instruction shall be give in every county school and in every voluntary school.[144]

Prior to 1944, when religious education was not compulsory, any religious instruction given in county schools was to be non-denominational, in accordance with the "Cowper-Temple" clause. This clause stated that "no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught."[145] This clause, which did not apply to the voluntary schools, was repeated in the Education Act of 1944. It now applies to the voluntary controlled schools, but not to the voluntary aided schools. In addition, there are conscience clauses which protect the right of teachers who do not wish to participate in religious education to be exempted, the right of parents who wish to withdraw their child from all religious instruction and school worship to do so, and the right of parents who wish their child to be given denominational instruction to withdraw him/her from religious instruction for that purpose.[146]

The wording of the act does not specify what religion is to be taught, nor what type of worship is to be conducted, but it seems that Christianity - probably Protestant Christianity

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142. Signposts and Homecomings: The Educative Task of the Catholic Community: A Report to the Bishop of England and Wales (Middlegreen, Slough: St. Paul Publications, 1981) p.6-7.

143. The Fourth R, p. 13. See also W. J. H. Earl, "The 1944 Education Act - Forty Years On, "The British Journal of Religious Education, 6 (Spring 84) pp. 88-89.

144. The Education Act of 1944, s.25.1 Quoted in Edwin Cox, Problems and Possibilities for Religious Education (London: Hodder and Stoughton, 1983) p.4.

145. Elementary Education Act 1870, s.14(2). Quoted in The Fourth R, p.7.

146. The Fourth R, p.13.

- was intended. The definition of religious education is left to the representatives of the churches and to educational administrators, who are responsible for the agreed syllabi.[147]

According to the act, each local education authority is to adopt an agreed syllabus arrived at by a procedure prescribed by the Fifth Schedule of the Act. This procedure requires the convening of a conference with representatives of

1. such religious denominations as the authority deems appropriate given the circumstances in the region
2. the Church of England, except in the case of an area in Wales and Monmouthshire
3. such associations representing teachers as the authority deems appropriate given the circumstances in the region, and
4. the authority.

Each of the committees formed by the four sets of representatives has one vote, and all must vote in favour of the proposed syllabus before it can be accepted. They may prepare their own syllabus, adopt a syllabus prepared by another authority, or piece together several syllabi.[148]

As mentioned previously, the resulting syllabus is to be used in voluntary controlled schools, as well as county schools. They may also be used in voluntary aided schools.

In the years immediately following the 1944 act, no religion other than Christianity was represented at the syllabus conferences. The resulting syllabi were schemes of Christian study, largely focussing on the Bible, but including some church history and Christian doctrine.[149] Although other faiths sometimes received some mention, they did not become a major focus of study until the Birmingham syllabus of 1975. This syllabus permits the study of four faiths, one as a major, and three as minor studies. It goes so far as to permit a pupil to select for minor study a "stance for living" which "shares many of the dimensions of religion whilst not admitting belief in realities transcending the natural order."[150] Other syllabi have followed this lead.[151]

The following extracts from the syllabi are illustrative of how they have evolved:

Cambridgeshire Syllabus (1949)

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147. Cox, p.5.

148. John M. Hull, "Agreed Syllabuses, Past, Present and Future," New Movements in Religious Education, eds. Ninian Smart and Donald Horder (London: Temple Smith, 1975) p.97.

149. Cox, p.5,6.

150. City of Birmingham, Agreed Syllabus of Religious Instruction, 1975, p.8. Quoted in Cox, p.28.

151. Cox. p.28.

> The aim must be to lead children to an experience of God, His Church, and His Word, an experience based on worship, fellowship and service.

Lincolnshire Syllabus (1964)

> The syllabus is deliberately designed as an evangelistic influence . . . the aim is to lead pupils to a personal knowledge of Jesus Christ.

West Riding of Yorkshire Syllabus (1966)

> Personal needs are religious needs which are only satisfied by the growing discovery that at the heart of the universe there is a God who cares.

Birmingham Syllabus (1975)

> The syllabus should be used to enlarge pupils' understanding of religion by studying world religions and by exploring all those elements in human experience which raise questions about life's ultimate meaning and value.

Hampshire Syllabus (1978)

> It is no part of the responsibility of a county school to promote any particular religious standpoint, neither can an exclusive Christian content do justice to the nature of the subject.

Northamptonshire Syllabus (1980)

> Religious Education...is most appropriately seen as an introduction to an individual's religious quest and some of its contemporary expressions in belief and practice rather than a process of induction into a particular religious tradition. The pursuit of such an aim is designed to help pupils to identify for themselves the fundamental questions of human existence, so that they may continue to reflect upon these and arrive at the decisions life calls for in a responsible way.[152]

Curriculum Materials in England

It was not possible to compile a list of curriculum materials in use in England for this study. However, a good way to begin finding out about such material is to write to the Midlands Religious Education Centre.[153] They have a large collection of resource items, including their own Festivals, a new 3-part series of filmstrips, with 3 cassettes and teacher's book, which examines the festivals of several world religions. They also publish REDIRECT (Religious Education Directory of Information, Research, Experiments, Courses and

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152. Ibid.,pp.30-31.

153. The address is Westhill College, Weoley Park Road, Selly Oak, Birmingham, England, B29 6LL. (The present director is Garth Read.)

Training), a national periodical published each term and containing the kinds of information indicated by its acronym.

France[154]

The history of France from the revolution until the end of the Second World War was rife with controversy between Catholics and Republicans over the control of education. Since the war there has been some state funding for private (mostly Catholic) schools. Because the state controls public examinations, it determines the conditions under which private schools operate.[155]

Religious education is not part of the curriculum in public schools in France.[156] Optional religious instruction may be given on school premises, out of school hours, by school chaplains and parish priests.

In Alsace-Lorraine the situation is different. There, religious instruction in denominational schools, both Protestant and Catholic, is a normal part of a curriculum funded by the state.[157]

GERMANY (THE FEDERAL REPUBLIC OF)[158]

The constitution of the Federal Republic of Germany provides for a regular course of study in religious education in the public school. This instruction is to be give in accordance with the principles of the state Churches of the various provinces. These articles were drawn up after World War II in order to guarantee the rights of the churches to carry on their traditional role with regard to religious instruction, a tradition which had been widely disrupted during the war.

The constitution also guarantees freedom of religion and conscience.

The constitution has always been interpreted in such a way that the content of religious courses is determined by one or the other of the two state Churches, while the competence and

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154. This information is out of date, having been taken from The Fourth R, which has a copyright date of 1970.

155. Ibid.,p.202.

156. "Education, Systems of, "Encyclopaedia Britannica (Chicago: Encyclopaedia Britannica Inc., 1984) Macropaedia Vol 6, p.418.

157. The Fourth R, p.202-203.

158. Information in this section is of recent origin, being a summary of some of the factual material found in Gerhard Schmitt, "Teaching Religion in German Secondary Schools", Religious Educaton, 77, 1 (Jan-Feb 1982) pp.88-91.

credentials of teachers are controlled by the state. (One state church is Catholic, and the other is Protestant.) The Churches may decide, however, whether a teacher is to be allowed to teach religion in their particular confession, and may withhold certification regardless of the university credentials of the teacher. In practice the churches almost always grant teacher certification because of a teacher shortage in the area of religious education. Church authorities have the right to check on teachers by visiting religion courses and consulting school principals. Church committees control examinations at the end of the thirteenth year. Teachers must submit exam questions for approval. The questions may be rejected, or revisions suggested, and the committees exert tight control.

Officially, a person is of age as to religious questions at the age of 14, and has a right to withdraw from religious instruction. There are also some whose parents do not have any connection with the state Churches, and who do not want their children to be given religious instruction. For such students, courses in "ethics" or "philosophy" are offered as an alternative. In most provinces this alternative is mandatory for those who withdraw. Teachers in ethics with university qualifications are scarce, but where possible, the "ethics" alternative is offered from the Grade 5 on.

World religions are taught in Protestant and Catholic courses, but a special problem has arisen with regard to "guest-workers", who are primarily from Turkey or Yugoslavia, and are often Muslim. In some schools the student body is predominantly non-German, and in these schools courses in Islam have been organized, and sometimes even taught in the students' mother-tongue by Muslim spiritual leaders. The legal position of these courses is unclear.

Despite the law, there is a nationwide lack of interest in religious education. It is regarded as a minor subject, comparable to art. This has led to massive withdrawals in some schools.

In principle no student can be made to take religious education, but in practice it can be made almost mandatory by requiring written parental permission for withdrawal - even beyond the age of 14. In rural areas parents are often reluctant to give permission for withdrawal. Furthermore, the mandatory alternative in ethics is often much more difficult and demanding.

The practice of religious education has no national coherence. There are mandatory guidelines, but there is a profusion of material put out by the Churches - guides, principles of instruction, and textbooks - which can be quite confusing for a teacher. There is also a profusion of regulations, which sometimes make matters worse.

HOLLAND[159]

The Dutch Education System

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159. This information is out of date, having been taken largely from a book with copyright date of 1969.

The Constitution of the Netherlands, which was initially accepted in 1848, states:

> Public education shall be regulated by law, every person's religious views being duly respected.[160]

An article, dating from 1917, makes provision for equality of financial support for private and public education. It also requires that regulations ensure quality of "standards of efficiency" for private and public education. The Mammoth Law, enacted in 1963, makes the same sort of provisions for secondary schools.[161]

The implication is that Dutch parents are free to choose whether their children are to go to private or public schools, with no penalty for either choice, either in terms of cost or of quality of education.

Private schools comprise well over half of the schools in the system at every level. They include Catholic schools, Protestant schools, and non-denominational schools.[162]

Religious Education in the Netherlands

In the private primary schools, religious education is in the control of whatever group sponsors the school. In the public primary school, religious education is widely offered as an option with its own place in the timetable. Few parents exempt their children from it. Teaching is done my members of the church community, rather than by regular classroom teachers, though the communities sometimes select regular teachers to do it.[163]

In the secondary schools, a subject called "Knowledge of the Bible and Cultural History of Christian Religion" is offered as an option in both public and private schools. It is intended to be non-confessional. Selection of teachers falls under the jurisdiction of the school boards, not the Churches. Boards are not obligated to offer it. A textbook for this course, called Seeking the Way in the Varied World of Belief and Thought, encompasses topics on the various world religions, on the historical development of the Christian Churches, and on the various Churches in Holland, and includes brief outlines of the thought of thinkers ranging from Augustine to Sartre.[164]

Religious education of a confessional sort may also be offered as an option in both public and private secondary schools. Most public schools do offer it. In the Protestant

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160. The Constitution, Chap. 12, Art 208. Quoted in A. Stafford Clayton, Religion and Schooling: A Comparative Study (Waltham, Mass.: Blaisdell Publishing Co., 1969) p.105.

161. Ibid., p.102-105.

162. Ibid., p.106.

163. Ibid., p.110-111.

164. Ibid., p.111-113.

private schools, confessional religious education is provided by religious societies in which several denominations are represented.[165]

Norway[166]

Norway, like Denmark, contrasts sharply with Sweden in its approach to religious education. In Norway religious education of a confessional nature is compulsory in public schools. Pupils may be exempted at the request of their parents. The syllabus is laid down by the Ministry of Church and Education. Unlike Denmark, religious education is not given by ordinary classroom teachers but by clergymen of the Norwegian state church (Lutheran Evangelical). Religion is not included in school-leaving exams. Private schools are not required to give religious instruction.[167]

SCOTLAND[168]

The Scottish Education System

In Scotland there are public schools, and grant-aided schools which are often denominational. The latter schools have the same rights and privileges as the voluntary aided schools of England, but are given full public financial support.[169] Both types of school are required by law to admit students of any denomination. The law also prohibits schools from placing students "at any disadvantage with respect to the secular instruction given," either because of their denominational affiliation, or because their parents withdraw them from religious instruction.[170]

The conditions for religious education in Scotland were set up by the Education Act of 1945.[171] The actual wording of the law is as follows:

> Whereas it has been the custom in the public schools of Scotland for religious observance to be practised and for instruction in religion to be

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165. Ibid., p.112.

166. This information is out of date, having been taken from The Fourth R, which has a copyright date of 1970.

167. Ibid., p.197.

168. The information in this section is up to date, a major source being a book with copyright date of 1982.

169. The Fourth R, p.171.

170. The Education Act, 1962, s.9(1). Quoted in the Millar Report, Moral And Religious Education in Scottish Schools (Edinburgh: Her Majesty's Stationery Office, 1972) p.127.

171. Alex R. Rodger Education and Faith in an Open Society (Edinburgh: The Handsel Press, 1982) p.59.

given to pupils whose parents did not object to such observance or instruction,...be it enacted that education authorities shall be at liberty to continue the said custom,...

It shall not be lawful for an education authority to discontinue religious observance or the provision of instruction in religion... unless and until a resolution in favour of such discontinuance duly passed by the authority has been submitted to a poll of the local government electors for the education area taken for the purpose, and has been approved by a majority of electors voting thereat.[172]

Apparently no definition for "religion" is given, but it is generally assumed that the religion intended is Christianity. A conscience clause gives parents the right to excuse their children from such religious observance and instruction, without prejudice to any other aspects of their education.[173]

There is no authorised Religious Education syllabus in Scotland. The closest approximation is the Guidelines for Religious Education Curriculum, published in 1981 by the Scottish Central Committee on Religious Education (SCCORE). This document claims only to point the way.[174] The task of charting the subject matter that is properly to be included within religious education has been attempted in SCCORE Bulletin 2.[175]

At the time of the Millar Report, the number of hours timetabled for religious education in primary schools ranged from less than half an hour per week to over two hours. Most schools were in the one to two hour range. In secondary schools the range was from no time at all (especially for older pupils) to more than one period per week. Most schools offered one period per week. Schools examinations are rarely set.[176]

According to the Millar Report,

Religious education is no longer aimed at producing assent to any particular faith.

The teacher is not there to convince pupils of specific religious beliefs...children should be exposed to a number of different attitudes and beliefs without the weight of "authority" being ultimately thrown behind any one of them.[177]

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172. The Education Act, 1962, s.8(1),(2). Quoted in the Millar Report, p.127.

173. Rodger, p.59.

174. Ibid., p.85.

175. Ibid., p.86.

176. Millar Report, p.13, 17, 23.

177. Ibid., p.68, 69.

Spain[178]

In Spain the school system consists of public and private schools, the latter being almost all Roman Catholic. Financial responsibility for private schools rests primarily with the church.

Article 27 of the 1953 Concordat between Spain and the Holy See requires the Spanish government to ensure that the Catholic faith is taught as a compulsory subject in all schools, whether public or private. Children of non-Catholic parents may be exempted on written application.[179]

SWEDEN[180]

In Sweden almost all schools are public. The state church (Lutheran) has no schools of its own. Denominational instruction is permitted in private schools, but there are few of these, and fewer still which fulfill the conditions for public funding.[181]

In the first eight grades of the comprehensive (public) schools, a compulsory subject called "Knowledge of Christianity" is taught twice a week. This course is non-confessional.

The aims of religious education, as stated by the National Board of Education are as follows:

> The teaching of religion aims at guiding the pupils in the essential content of the sacred Scriptures, in Christian faith and ethics, in the chief outlines of the history of Christianity, in the forms of congregations and in important non-Christian religions. It shall give knowledge too of the currents which have called into question the value of religious truths and give insight into fundamental ethical and religious questions and currents of ideas of the present day. Instruction shall be objective in the sense that it gives knowledge, founded on facts, of the meaning and substance of different outlooks on faith, without trying to influence the pupil authoritatively to embrace a certain way of thinking. It ought to be marked by broad-mindedness and tolerance. It ought to be given in such a way that it promotes their individual progress and contributes toward creating understanding of the value of a personal conception of life as well as understanding of and respect for different views in questions of conceptions of life.

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178. This information is out of date, having been taken from The Fourth R, which has a copyright date of 1970. Vast changes have occurred in Spain since Franco's death.

179. Ibid., p.195. As mentioned previously, this information is out of date, but the reader is reminded that it refers to Franco's Spain.

180. This information is out of date, most of it having been taken from a book with a copyright date of 1969.

181. The Fourth R, p.196.

> The work in religion ought to be directed to giving the pupils such a skill that they will be able to acquire knowledge independently.[182]

With regard to the right to be exempt from religious education, Swedish law states:

> The pupil shall at the parent's request be exempted from taking part in instruction in knowledge of Christianity, if the pupil belongs to a religious community which has been authorized by the Crown to stand in the place of attending religious instruction in the school.[183]

That is, exemption is permitted if there is some alternative religious instruction to take its place.

In practice, this right permits exemption in the following way. The Board of Education distinguishes between three groups of children: 1) those from "admitted" religious communities, 2) those from other religious communities, and 3) those without any confessional affiliation at all. Two communities have applied for admitted status: the Catholics, and the Jews. Parents of these communities need only apply to the school headmaster in order to have their children exempted. Parents whose child belongs to group 2 may apply to the Board of Education, and, providing they do indeed belong to a stable religious community, exemption is granted. Children in group 3 are not generally given exemption. The rationale behind this is that the instruction given in public schools does not constitute a violation of freedom of thought or faith, and that some knowledge of the religious aspect of society is essential to any person's education.[184]

Clayton includes an account of religious education in higher grades as well, but policy seemed to be changing at the time, and the account was rather vague. In the "gymnasium" (later grades), there is a shift toward a more "self-dependent" education than in the comprehensive school. This pertains to religious education as well as other subjects. As might be expected, the spirit of religious education found in the comprehensive schools, with its emphasis on non-confessionality, is carried on into the gymnasium.

Switzerland[185]

The Swiss Federal Constitution guarantees religious freedom, and protects its citizens from discrimination on religious grounds. Thus, all jurisdictions in Switzerland must respect the right of parents to withdraw their children from religious instruction on conscientious

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182. National Board of Education, The Curriculum of the Common School (Stockholm: The National Board of Education, 1962) p.217. Quoted in Clayton, p.187. Italics are mine.

183. School Law (SF 1962, No.319,para.27), p.721. Quoted in Clayton, p.193.

184. Clayton, p.193-197.

185. This information is out of date, having been taken from The Fourth R, which has a copyright date of 1970.

grounds. Apart from that, however, there is a wide range of policies with respect to religious education. Switzerland has twenty-five separate jurisdictions responsible for religious education.

Private schools are allowed in all jurisdictions (except for one in which private primary schools are not allowed). There is no overall pattern with regard to their supervision. Only public schools will be discussed here.

Three cantons make no provision for religious education in public schools. Two of these facilitate religious instruction, given outside of school hours by religious communities, by placing school buildings at their disposal.

Eight cantons include compulsory religious or moral education of a non-denominational kind within the curriculum of the public schools. Such instruction is normally given by the ordinary classroom teachers. Denominational instruction given by the religious communities may be added to the non-denominational classes.

Fourteen cantons include denominational instruction as part of the curriculum. In these cantons, the churches draw up the syllabus, choose the textbooks, and say how students are to be instructed. In most of these cantons, the predominant church is Roman Catholic, but in some it is Protestant, and in some there are separate public schools for each denomination.[186]

THE UNITED STATES[187]

The United States Constitution and Religious Education

As in Canada, responsibility for education in the United States lies within the jurisdiction of the states. Also as in Canada, the Constitution has a bearing upon what sort of religious education is to be found in the schools. But in the United States the implications of the Constitution are much more sweeping, and apply in a much more uniform manner with respect to religious education than in Canada. Thus, though there are many more states than provinces, it is much easier to give an account of religious education policy in the United States.

The First Amendment of the Constitution of the United States of America states:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

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186. Ibid., p.199-201.

187. The information here is up to date. A letter to me from Randolph C. Miller, executive secretary of the Religious Education Association, confirms that the law has remained unchanged since 1963. Anyone who follows the present presidential election campaign will be aware of the ongoing controversy.

This is incorporated into the Fourteenth Amendment, which forbids the states to abridge the constitutional freedoms of American citizens. The implied separation of church and state bars government from supporting any confessional religious education in publicly-funded schools, or from publicly funding any school in which confessional religious education takes place.[188]

This does not, however, rule out religious studies of a non-confessional nature. In the landmark Abingdon School District v. Schempp case (1963), in which state laws requiring religious exercises were struck down, the opinion of the Supreme Court says:

> It might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment.[189]

The constitution gives no definition of "religion", but because of the many implications of the First Amendment, the meaning of the term has been given more attention in American courts than elsewhere. Definitions used in American courts range from a narrow focus on belief in a Christian God and conformity to the precepts inculcated in the Bible, to a broad inclusion of any way of life which gives recognition to a moral duty to obey restraining principles of conduct.[190]

There is a tension between the two clauses of the First Amendments. If a broad definition of religion is used for "the free exercise" clause, it tends to clash with the clause prohibiting the establishment of religion.[191] This may be seen in connection with religious education. On the one hand, if the definition is too narrow it prohibits one religious group from having publicly-funded schools, but allows another to have theirs. For example, if belief in God is made a criterion, then it prohibits the public funding of Christian schools, but allows it for Buddhist schools. On the other hand, if the definition is too broad it prohibits schools from carrying out one of the most important tasks for which they were set up, namely the adoption of a value system compatible with American society. It would, for example, forbid fostering a respect for the Constitution itself.

In the past this has not been a problem because the varieties of religion which have historically existed in the United States have been distinguishable from other forms of

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188. Arval A. Morris, The Constitution and American Education, 2nd. ed., American Casebook Series. (St. Paul, Minn: West Publishing Co., 1980) p.325.

189. Ibid., p.349.

190. Irwin Cotler, "Freedom of Assembly, Association, Conscience and Religion (s. 2(a),(c) and (d)," Canadian Charter of Rights and Freedoms: Commentary, eds. Walter S. Tarnopolsky and Gerald A. Beaudoin (Toronto: The Carswell Co. Ltd., 1982) p.190-191.

191. Ibid., p.192.

thought and behaviour, and sufficiently similar to each other to make possible the erection of a wall between church and state. As the varieties of religion multiply, however, the distinction between religion and other forms of thought and behaviour is becoming blurred, and the courts are going to have to make some complex decisions on these matters in future years.

Religious Education in the United States

American educators often do not understand the ruling of the Supreme Court, and do not attempt religious education of a non-confessional nature. Nevertheless, in 1975, over one thousand public schools offering courses or units about religion were located by the Public Education Religion Studies Centre (at Wright State University, Dayton, Ohio, 45435). There were probably many more. Included were offerings like "Religious Literature", "The Bible as/in Literature", "World Religions", and "Religious Issues in American History".[192]

American Curriculum Materials

The following are a few of the many curriculum materials published in the United States:

- A K-9 social science curriculum has been designed by the Educational Research Council of America (Cleveland, Ohio), and published by Allyn and Bacon (Boston). This is an integrated curriculum, which includes the study of religious themes as they arise naturally in social studies.[193]

- John Whitney and Susan Howe, Religious Literature of the West (Minneapolis: Augsburg Press, 1971). A textbook for a one semester course, containing selections from the sacred literature of Jews, Christians, and Muslims. It was designed under the direction of a team of scholars at Pennsylvania State University pursuant to an act of the General Assembly of the Commonwealth of Pennsylvania.[194]

- The Bible Reader (Milwaukee: Bruce, 1969). A special edition of the Bible, prepared by an ecumenical group of scholars, for use as a text in public schools. It contains selected biblical passages in a variety of translations with introductory articles, essays, and notes from the Jewish, Catholic, and Protestant traditions.[195]

- James S. Ackerman and Thayer S. Warshaw, The Bible as/in Literature (Glenview, Illinois: Scott, Foresman, 1976). A text designed for use in English classes on the Bible. It deals thematically with key biblical passages and shows how English and American literature derive content, symbols, and style from the Bible.[196]

- Douglas Brown, The Enduring Legacy (New York Scribner, 1975). Also a text designed for use in English classes on the Bible. It includes introductory materials of a kind deemed unsuitable for American public

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192. Nicholas Piediscalzi, "A Survey of Proffesional Efforts to Establish Public Education Religion Studies," Public Education Religion Studies: An Overview, ed. Paul J. Will (Chico, Calif.: Scholars Press, 1981) p.8.

193. Ibid., p.10,22.

194. Ibid.

195. Ibid.

196. Ibid.

schools in The Bible as/in Literature. Brown considers it impossible to study the Bible in public education without resources from contemporary biblical scholarship.[197]

- Steward Dicks, et al., The Many Faces of Religion: An Inquiry Approach (Boston: Ginn, 1973). A text designed to introduce students to the major religions of the world.[198]

- Floyd H. Ross and Tynette Hills, The Great Religions by Which Men Live (Greenwich, Conn.: Fawcett, 1973). Another text designed to introduce students to the major religions of the world.[199]

- The World Religions Curriculum Development Center, Religion in Human Culture (Minneapolis: Argus Communications, 1978). A multi-media course, funded by a grant under the Elementary-Secondary Education Act of Minnesota, designed for use in high schools.[200]

- The God and Man Narratives (The University of Nebraska Press, 1968). A unit on religious literature included in the Grade 7 English curriculum in Nebraska.[201]

- Robert A. Spivey, et al., Issues in Religion, 3 vols. (Menlo Park, Calif.: Addison-Wesley, 1972-74). Produced by the Florida State University Religion-Social Studies Curriculum Project for inclusion in secondary school social science classes. The units may be included individually at the appropriate time in a given course, or used together. the three volumes are Religious Issues in American Culture, Religious Issues in Western Civilization, and Religious Issues in World Culture.[202]

- Robert A. Spivey, et al., Learning About Religion/Social Studies (Niles, Illinois: Argus Communications, 1977). Also produced by the Florida State University Religion-Social Studies Curriculum Project. It consists of separate multi-media units for grade level 1 through 6.[203]

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197. Ibid.

198. Ibid.,p.11,22.

199. Ibid.,p.12.

200. Ibid.

201. Ibid., p.12.

202. Ibid., p. 12, 23.

203. William E. Collie, "Curriculum Design in Public Education Religion Studies," Public Education Religion Studies, p.133, 148.

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